

STAYED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01464-ABJ**

NATIONAL WHISTLEBLOWER CENTER v.
DEPARTMENT OF INTERIOR et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 07/24/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL WHISTLEBLOWER
CENTER**

represented by **David K. Colapinto**
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TERMINATED: 10/30/2017

V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Melanie Dyani Hendry**
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DISTRICT OF COLUMBIA
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Defendant

U.S. FISH AND WILDLIFE SERVICE

represented by **Melanie Dyani Hendry**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 07/24/2017 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5044186) filed by NATIONAL WHISTLEBLOWER CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Colapinto, David) (Entered: 07/24/2017) |
| 07/24/2017 | | Case Assigned to Judge Amy Berman Jackson. (jd) (Entered: 07/25/2017) |
| 07/25/2017 | <u>2</u> | SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 07/25/2017) |
| 08/11/2017 | <u>3</u> | NOTICE of Appearance by Rebecca Anne Guiterman on behalf of NATIONAL WHISTLEBLOWER CENTER (Guiterman, Rebecca) (Entered: 08/11/2017) |
| 09/06/2017 | <u>4</u> | NOTICE of Appearance by Melanie Dyani Hendry on behalf of U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 09/06/2017) |
| 09/06/2017 | <u>5</u> | ANSWER to Complaint by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE.(Hendry, Melanie) (Entered: 09/06/2017) |
| 09/06/2017 | | MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before October 6, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/6/2017. (lcabj3) (Entered: 09/06/2017) |
| 09/07/2017 | <u>6</u> | NOTICE of Appearance by Stephen M. Kohn on behalf of NATIONAL WHISTLEBLOWER CENTER (Kohn, Stephen) (Entered: 09/07/2017) |
| 10/03/2017 | <u>7</u> | STATUS REPORT <i>and Proposed Schedule</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 10/03/2017) |
| 10/03/2017 | | MINUTE ORDER. The parties are ORDERED to file a joint status report by December 6, 2017, which should include a proposed schedule for further proceedings if necessary. Signed by Judge Amy Berman Jackson on 10/03/2017. (lcabj3) (Entered: 10/03/2017) |
| 10/04/2017 | | Set/Reset Deadlines: The parties joint status report, which should include a proposed schedule for further proceedings if necessary, is due by 12/6/2017. (jth) (Entered: 10/04/2017) |
| 10/30/2017 | <u>8</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to NATIONAL WHISTLEBLOWER CENTER. Attorney Rebecca Anne Guiterman terminated. (Guiterman, Rebecca) (Entered: 10/30/2017) |
| 12/06/2017 | <u>9</u> | Joint STATUS REPORT by NATIONAL WHISTLEBLOWER CENTER. (Colapinto, David) (Entered: 12/06/2017) |
| 12/07/2017 | | MINUTE ORDER. Based upon a review of the matters set forth in the status report, it is the Court's view that Federal Rule of Civil Procedure 56 provides the appropriate means for the resolution of any issues concerning the adequacy of the search and any claim by the plaintiff that there is a need for discovery. Therefore, defendant shall file its motion for summary judgment by February 1, 2018; plaintiff shall file its opposition (and its cross motion, if any, supported by a single memorandum of points and authorities) by March 1, 2018; defendant's reply (combined with its opposition to any cross motion) will be due on April 2, 2018; and plaintiff's cross-reply, if needed, will be due on April 16. The Court will address the question of whether the complaint may be amended if and when a motion for leave to amend that comports with Local Civil Rule 15.1 has been filed. Signed by Judge Amy Berman Jackson on 12/07/2017. (lcabj3) (Entered: 12/07/2017) |

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| 01/31/2018 | <u>10</u> | Consent MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hendry, Melanie) (Entered: 01/31/2018) |
| 02/01/2018 | | MINUTE ORDER granting <u>10</u> Motion for Extension. Defendants' motion for summary judgment will be due February 15, 2018. Plaintiff's opposition (and cross motion, if any, shall be supported by the same memorandum of points and opinions) will be due March 15, 2018. Defendants' reply (combined with its cross opposition, if necessary) will be due by April 16, 2018. Plaintiff's cross reply, if any, will be due by April 30, 2018. Signed by Judge Amy Berman Jackson on 02/01/2018. (lcabj3) (Entered: 02/01/2018) |
| 02/15/2018 | <u>11</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Carrie Hyde–Michaels)(Hendry, Melanie) (Entered: 02/15/2018) |
| 03/15/2018 | <u>12</u> | Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment filed by NATIONAL WHISTLEBLOWER CENTER. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit Exhibits 1–9, # <u>4</u> Text of Proposed Order)(Colapinto, David) (Entered: 03/15/2018) |
| 03/15/2018 | <u>13</u> | MOTION for Discovery and <i>Memorandum of Points and Authorities</i> by NATIONAL WHISTLEBLOWER CENTER (Attachments: # <u>1</u> Text of Proposed Order)(Colapinto, David) (Entered: 03/15/2018) |
| 04/09/2018 | <u>14</u> | Consent MOTION to Amend <i>Briefing Schedule</i> as to <u>11</u> MOTION for Summary Judgment , <u>13</u> MOTION for Discovery and <i>Memorandum of Points and Authorities</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hendry, Melanie) Modified event title on 4/11/2018 (znmw). (Entered: 04/09/2018) |
| 04/13/2018 | | MINUTE ORDER granting <u>14</u> Motion to Amend Briefing Schedule. Defendants' opposition to plaintiff's cross–motion for summary judgment and reply to plaintiff's opposition to defendants' motion for summary judgment is due May 1, 2018. Plaintiff's reply to defendants' opposition to plaintiff's cross–motion for summary judgment is due May 15, 2018. Signed by Judge Amy Berman Jackson on 04/13/2018. (lcabj3) (Entered: 04/13/2018) |
| 04/30/2018 | <u>15</u> | Consent MOTION to Amend/Correct <i>Briefing Schedule</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) Modified event title on 5/2/2018 (znmw). (Entered: 04/30/2018) |
| 05/01/2018 | | MINUTE ORDER granting <u>15</u> Consent Motion to Amend Briefing Schedule. Defendants' opposition to plaintiff's cross–motion for summary judgment and reply to plaintiff's opposition to defendants' motion for summary judgment is due May 23, 2018. Plaintiff's reply to defendants' opposition to plaintiff's cross–motion for summary judgment is due June 15, 2018. Signed by Judge Amy Berman Jackson on 05/01/2018. (lcabj3) (Entered: 05/01/2018) |
| 05/22/2018 | <u>16</u> | MOTION to Stay <i>Briefing Due to Supplemental Search</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 05/22/2018) |
| 05/23/2018 | | MINUTE ORDER. Defendants have until May 25, 2018 to comply with Local Rule 7(m) which requires parties to meet and confer before filing nondispositive motions. Signed by Judge Amy Berman Jackson on 05/23/2018. (lcabj3) (Entered: 05/23/2018) |
| 05/25/2018 | <u>17</u> | Consent MOTION to Stay <i>Briefing Due to Supplemental Search</i> by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 05/25/2018) |
| 05/25/2018 | | MINUTE ORDER. The Court hereby grants the parties' <u>17</u> consent motion to stay the briefing schedule. The parties must file a joint status report by July 23, 2018 which should include a proposed schedule for further proceedings, if necessary. Signed by Judge Amy Berman Jackson on 05/25/2018. (lcabj3) (Entered: 05/25/2018) |
| 05/25/2018 | | MINUTE ORDER finding as moot <u>16</u> Motion to Stay. Signed by Judge Amy Berman Jackson on 05/25/2018. (lcabj3) (Entered: 05/25/2018) |

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| 07/17/2018 | <u>18</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 07/17/2018) |
| 07/18/2018 | | MINUTE ORDER. The parties must submit an updated status report by August 23, 2018. Signed by Judge Amy Berman Jackson on 07/18/2018. (lcabj3) (Entered: 07/18/2018) |
| 08/22/2018 | <u>19</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 08/22/2018) |
| 08/23/2018 | | MINUTE ORDER. The parties must submit an updated joint status report by September 24, 2018. Signed by Judge Amy Berman Jackson on 08/23/2018. (lcabj3) (Entered: 08/23/2018) |
| 09/19/2018 | <u>20</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 09/19/2018) |
| 09/20/2018 | | MINUTE ORDER. The parties must file another joint status report by October 31, 2018. Signed by Judge Amy Berman Jackson on 09/20/2018. (lcabj3) (Entered: 09/20/2018) |
| 09/28/2018 | | MINUTE ORDER. The case is hereby stayed pending the parties' ongoing settlement discussions. Signed by Judge Amy Berman Jackson on 09/28/2018. (lcabj3) (Entered: 09/28/2018) |
| 10/29/2018 | <u>21</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 10/29/2018) |
| 10/29/2018 | | MINUTE ORDER. The parties must file an updated joint status report by November 30, 2018. Signed by Judge Amy Berman Jackson on 10/29/2018. (lcabj3) (Entered: 10/29/2018) |
| 01/31/2019 | | MINUTE ORDER. The parties must file a joint status report by February 15, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/31/2019. (lcabj3) (Entered: 01/31/2019) |
| 02/15/2019 | <u>22</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 02/15/2019) |
| 02/20/2019 | | MINUTE ORDER. The parties must file a joint status report by March 20, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/20/2019. (lcabj3) (Entered: 02/20/2019) |
| 03/19/2019 | <u>23</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 03/19/2019) |
| 03/22/2019 | | MINUTE ORDER. The parties must file an updated status report by April 19, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/22/2019. (lcabj3) (Entered: 03/22/2019) |
| 04/19/2019 | <u>24</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 04/19/2019) |